

REMARKS

Applicants will address each of the Examiner's objections and rejections in the order in which they appear in the Office Action.

Claim Objections

In the Office Action, the Examiner objects to Claim 14 for informalities. In particular, the Examiner suggests that Claim 14 be amended to be dependent on Claim 13. Applicants have amended the claim as such.¹

Accordingly, it is respectfully requested that this objection be withdrawn.

Claim Rejections - 35 USC §112

The Examiner also rejects Claims 12-17 under 35 USC §112, second paragraph as being indefinite. This rejection is respectfully traversed.

In particular, the Examiner objects to the phrase "by means of" in line 4 of Claim 12 as being confusing as to whether 35 USC §112, sixth paragraph is invoked. While Applicants do not believe that any such confusion exists, in order to advance the prosecution of this application, Applicants have amended Claim 12 to change "by means of" to "by use of". Applicants respectfully submit that this amendment overcomes the Examiner's objection.²

Accordingly, it is respectfully requested that this rejection be withdrawn.

¹This amendment is not based on a patentability rejection and is not intended to narrow the scope of the claim. It is merely to correct a typographical error in the claim.

²This amendment is not intended to narrow the scope of the claim but is merely intended to eliminate any confusion by the Examiner.

Claim Rejections - 35 USC §102

The Examiner further rejects Claims 12 and 15-17 under 35 USC §102(e) as being anticipated by Waksman et al. This rejection is respectfully traversed.

Independent Claim 12 of the present application is directed to a catheter having first, second, third and fourth lumens. As explained in the specification (e.g. page 5, lns. 21-28; page 26, ln. 12- page 27, ln. 15) and shown in the drawings (see e.g. Figs. 23A, 23B and 24) of the present application, two of the lumens are return lumens (e.g. 150 in Figs. 23A and 23B and 158 in Fig. 24; page 26, ln. 12 - page 27, ln. 15). Each of the return lumens are clearly defined and identified in the application.

In contrast, Waksman only describes a single return lumen 204 (and only 3 lumens in the catheter, not four as recited in Claim 12). See e.g. Col. 17, lns. 30-33 in Waksman. There is nothing in the specification in the reference to indicate that there are two return lumens.

The Examiner, however, alleges that there are two return lumens disclosed in Fig. 7B in Waksman as two distinct spaces. Applicants disagree. There is nothing in the figure (or specification) in the reference to indicate that there is a seal between 194 and 202 to form two return lumens or that two return lumens are present. In fact, as explained above, the specification in Waksman suggests otherwise as only a single return lumen is described and defined therein.

Accordingly, it is respectfully submitted that Waksman does not disclose or suggest the claimed invention, and the rejected claims are patentable thereover.³ Therefore, it is requested that this rejection be withdrawn.

³The Examiner has provided no indication of where in Waksman it shows that the proximal and distal ends of the catheter are at a different stiffness and flexibility, as recited in Claim 15.

Claim Rejections - 35 USC §103

The Examiner also rejects Claims 13 and 14 under 35 USC §103(a) as being obvious over Waksman et al. in view of Brown et al. This rejection is respectfully traversed.

For at least the reasons discussed above for independent Claim 12, these dependent claims are patentable over the cited references.

In addition, independent Claim 12 recites that the fourth lumen is sized to receive a guidewire. Dependent Claims 13 recites that the fourth lumen includes a protective liner, while Claim 14 recites that the protective liner is polyimide.

The Examiner acknowledges that Waksman does not teach the features of Claims 13 and 14 but contends that Brown does. Specifically, the Examiner states that Brown teaches a catheter having a guidewire tube 189 placed over a guidewire 189w, where the guidewire tube is formed of a polymer and cites Figs. 31 and 32 and col. 20, lns. 50-65 of Brown in support thereof.

However, Figs. 31 and 32 do not indicate what material is in tube 189. Further, Col. 20, lns. 50-65 state that there is a lumen of polymer tubing through which a pressure is introduced to unwind coiled portion 188 and 188' (col. 20, lns. 55-58). There is nothing, however, which indicates what is the material of tube 189 nor anything that indicates that a protective liner is included in tube 189.

The Examiner also states that Brown teaches a polyimide tubing at col. 24, lns. 43-47. While col. 24, lns. 43-47 discuss tubing 248 as being made of a polyimide, there is nothing to indicate that the guidewire tube is made of such material.

Accordingly, it is respectfully submitted that neither of the cited references disclose or suggest the invention of Claims 13 and 14, and these claims are patentable thereover. Therefore, it is requested that this rejection be withdrawn.

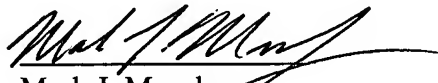
Conclusion

Therefore, for at least the above-stated reasons, it is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee is due for this amendment, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,


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